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PROMOTION AND PROTECTION OF HUMAN RIGHTS:
HUMAN RIGHTS DEFENDERS

Written statement submitted by the International Federation of
Human Rights Leagues and the World Organization against Torture,
non-governmental organizations in special consultative status

The Secretary-General has received the following written statement,
which is circulated in accordance with Economic and Social Council
resolution 1996/31.

[19 March 1999]

1. The World Organization against Torture (OMCT) and the International Federation of Human Rights Leagues (IFHR) have for many years been working for the protection of human rights defenders. In order to contribute to a response to the repression which is increasingly directed at human rights defenders, they decided to establish, in July 1997, on the recommendation of their member organizations around the world, the Observatory for the Protection of Human Rights Defenders, an appropriate protection mechanism developed in partnership with various regional organizations.

2. The Observatory's work is based, on the one hand, on the conviction that reinforcing cooperation and solidarity with human rights defenders and their organizations facing harassment helps to break the isolation in which they find themselves and, on the other hand, on the absolute need for a systematic response from NGOs and the international community to the repression of which the human rights defenders are victims.

3. With this aim in view, the Observatory has set itself the priority of establishing, progressively:

(a) A system to alert the international community to cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention. Urgent appeals are distributed to 90,000 targeted recipients regarded as having the capacity to "react", in particular, intergovernmental and non-governmental organizations, and the national and international media;

(b) Observation of judicial proceedings and, where necessary, direct legal assistance;

(c) Personalized assistance which is as specific as possible, including material assistance, to guarantee the security of human rights defenders who are victims of serious violations;

(d) Preparation, publication and distribution at the international level of reports on violations of the rights and freedoms of persons or organizations working on behalf of human rights throughout the world;

(e) Ongoing work with a range of competent international and regional intergovernmental bodies, notably the United Nations, the Organization of American States, the Organization of African Unity, the Council of Europe and the European Union.

4. In support of its alert and mobilization activities, the Observatory has a unique communications system for human rights defenders who are in danger. It is called the Emergency Line. The Observatory's first annual report was published on 3 December 1998 on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. During its first year of work, the Observatory intervened on behalf of many dozens of human rights defenders who had been made the victims of grave violations in Africa, Latin America, Asia, Europe, North Africa and the Near and Middle East. The report contains, most notably, urgent appeals concerning more than 200 human rights defenders in some 40 countries. It demonstrates the extent, diversity and unprecedented gravity of the repression of human rights defenders all over the world.

5. The violations recorded during the period covered by this first annual report confirm the existence of planned strategies of harassment and repression, which include, in particular, the following practices and measures:

Forced disappearances;

Summary or extrajudicial executions;

Torture and other cruel, inhuman or degrading treatment;

Arbitrary arrests and detentions;

Illegal police investigations and arbitrary interrogations;

Unfair trials;

Judicial sentences based on false accusations, fabricated evidence or statements obtained through torture;

Threats, including death threats, against defenders and/or their families;

Constant surveillance and persecution of the defenders and/or their families;

Physical aggression;

Various kinds of attacks (bombs, incendiary devices, etc.);

Interception of telephone calls;

Illegal home searches;

Illegal office searches;

The destruction or seizure of material, files or personal documents;

Campaigns of defamation and unfounded accusations;

Unfounded dismissals from employment;

Suspension of civil and/or political rights;

Withdrawal, suspension or contesting of the legal status of NGOs;

Seizure of premises or forced expulsion;

Legal banning of NGOs; and

Forced exile or obstacles placed on the freedom of movement.

6. The Observatory has noted that these acts are in most cases attributable to members of the armed forces, the police and the security services, as well as to paramilitary groups which are very often acting with the approval, assistance or protection of the authorities or semi-State entities.

7. In the past two years various United Nations bodies have taken action on behalf of international protection of human rights defenders. On the one hand, the Commission on Human Rights has requested certain special procedures of a geographic and thematic nature to pay particular attention to the cases of human rights defenders. On the other hand, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted for the first time, during its fiftieth session, a resolution on violations of the rights of human rights defenders in all countries, citing individual cases of human rights defenders and requesting the High Commissioner for Human Rights to undertake investigations into the security of these persons. Finally, on 9 December 1998, the General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

8. These advances must be emphasized and the Observatory welcomes, in particular, the adoption of the Declaration. Nevertheless, the advances are still insufficient, as demonstrated by the daily requests to the Observatory to intervene on behalf of human rights defenders in danger. The existing special procedures have so far not been able to fill the gap in the international system of protection of human rights but will remain necessarily limited by the mandate of the procedures, which are far from being able to cover all types of violations to which human rights defenders are subjected. The procedures on behalf of human rights defenders merely underline the need to pool the efforts being made so that the human rights defenders do not receive protection which is dispersed, random and dependent on the category of violations to which they are subjected. The creation of a specific mechanism for the protection of human rights defenders is essential.

9. In view of this, the IFHR, the OMCT and the Observatory call upon the Commission on Human Rights to appoint a special rapporteur on human rights defenders who will have as his mandate:

Seeking and receiving from all credible sources information regarding acts which are injurious to the rights and freedoms of any person exercising his right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at national and international levels;

Submitting any allegation transmitted to him for examination and reacting without delay, requesting clarifications from the Government concerned and informing the Government, the source of the information and the Commission on Human Rights of his conclusions and recommendations regarding the subject in question;

Examining the extent to which national measures and practices are compatible with the provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

Undertaking visits in situ with a view, in particular, to examining the extent to which national legislation and other national provisions and practices are in conformity with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

Addressing recommendations to Governments on measures to guarantee the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; and

Reporting every year on his activities, including the follow-up to the recommendations he has addressed to States, the Commission on Human Rights and the General Assembly.

10. The OMCT, the IFHR and the Observatory call upon the Commission to support the establishment, within the Office of the High Commissioner for Human Rights, of a department to support the special rapporteur in the implementation of his mandate and to give him assistance in ensuring follow-up to recommendations he has made to Governments.
